UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/144,313	08/31/1998	JAY L. GAINSBORO	600-015	4672

			EXAMINER
758	7590	09/22/2004	GAUTHIER, GERALD

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ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/144,313	GAINSBORO ET AL.
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 October 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>2-4,6-24 and 26-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>2,3,6,7,9-24,26-30,35 and 39-45</u> is/are rejected.

7) ☐ Claim(s) <u>4,8,31-34,36-38 and 46</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   **Claims 2-3, 6-7, 11-16, 21, 24, 26-28, 39-42 and 44-45** are rejected under 35

U.S.C. 103(a) as being unpatentable over Jang (US 5,274,698) in view of Hou et al. (US

5,325,421).

Regarding **claim 2**, Jang discloses a method of managing institutional telephone

activity between a calling party and a called party (column 1, lines 9-15), wherein the

method comprises:

providing an account (FIG. 4 A-4D) for each calling party (8 on FIG. 1), wherein

the account comprises calling party entitlements (column 7, line 19 "the class A allows

all telephone numbers") at least some entitlements are based on a calling party's class

(column 7, lines 17-34) [The subscriber has an account with entitlements based on the

class of the account whether it is A-E];

comparing the called party parameters to the entitlements to determine whether

the calling party is entitled to communicate with the called party and denying the

external communication request if the comparing returns a negative results (column 7,

line 64 to column 8, line 6) [The code or the define number are compared with the

numeral in the allowing table and the numerals in the denying table, if the numbers are

in the denying table the call is denied]; and

determining whether the calling party has an active account and denying the

external communication request if the determining returns a negative results (column 8,

lines 7-10) [Only numerals saved in the allowing table can be dialed otherwise the call is

denied].

Jang discloses an outgoing call from the subscriber but fails to disclose creating

an institutional communication connection with a calling terminal following initiation by

the calling party, identifying the calling party and analyzing each external

communication request received from the calling party to determine its called party parameters.

However, Hou teaches creating an institutional communication connection with a calling terminal following initiation by the calling party, wherein each institutional communication connection comprises an external communication request from the calling party that initiated the institutional communication connection the communication request sufficient to establish communication between the calling party and the called party (column 11, lines 40-68) [The caller dials a telephone number for the called party using the station set keypad to enter the dialed number];

identifying the calling party (column 11, lines 31-40) [The program verifies the identity of the caller by prompting the caller to repeat a series of random numbers];

analyzing each external communication request received from the calling party to determine its called party parameters (column 11, lines 36-40) [The program collects the caller's response and proceeds to verify the identify of the caller].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Jang using the user identification process as taught by Reuss.

This modification of Jang enables the system to have multiple users so that the system would authenticate every user.

Regarding **claim 3**, Jang discloses establishing the communication based on the comparing (column 7, lines 64-68).

Regarding **claim 6**, Jang discloses identifying the calling terminal (column 7, lines 52-63);

determining whether the calling party is entitled to use the calling terminal (column 7, lines 35-51); and

wherein the communication is denied if the determining returns a negative result (column 8, lines 1-6).

Regarding **claim 7**, Hou teaches initiating a second communication connection (column 12, lines 11-23); and

bridging the communication connection with the second communication connection (column 12, lines 11-23).

Regarding **claim 11**, Hou teaches replaying a call origination message to the called party (column 12, lines 41-68).

Regarding **claims 12 and 41**, Jang discloses the account contains data representative of telephone numbers (column 7, lines 17-34).

Regarding **claim 13**, Jang discloses the account contains data representative of personal identities (column 7, lines 17-34).

Regarding **claim 14**, Hou teaches the account contains data indicating whether to record the communication by the calling party (column 6, lines 42-61).

Regarding **claim 15**, Hou teaches the account contains data indicating whether to record the communication to the called party (column 6, lines 42-61).

Regarding **claim 16**, Hou teaches the account contains data indicating whether to monitor the communication by the calling party (column 10, lines 50-67).

Regarding **claim 21**, Hou teaches providing administrative control to initiate recording of the communication (column 6, lines 42-61).

Regarding **claim 24**, Hou teaches monitoring the communication for fraud detection events (column 1, lines 18-26).

Regarding **claim 26**, Jang discloses storing in the account data representative of the communication (column 7, lines 17-34).

Regarding **claim 27**, Hou teaches storing keywords in the account (column 5, lines 5-10).

Regarding **claim 28**, Hou teaches monitoring the communication for the keywords (column 10, lines 28-32).

Regarding **claim 39,** Jang discloses a system for managing institutional telephone activity between a calling party and a called party (column 1, lines 9-15), comprising:

an interface component (200 on FIG. 1) configured to accept an external communication request (column 7, line 46 "the subscriber intends to make a phone call") from a calling party (column 7, line 35 "the user"), the communication request having at least one called party parameter and the communication request sufficient to establish communication between the calling party and the called party (column 7, lines 35-51) [The subscriber picks up the receiver to make a phone call and the line card picks up the request and the class of the extension is determined and the dialed number are compared on the system];

a database (11 on FIG. 1) storing a plurality of accounts associated with calling parties, each account storing permissible calling party parameters (FIG. 4A-4D) for each calling party, wherein at least some calling party parameters are based on the calling party's class (column 7, lines 17-34) [The account of the user has different classes A-E which allows the caller different privileges on outgoing and incoming phone calls]; and

a screen component (1 on FIG. 1) in communication with the interface component and the database, configured to read each external communication request, query the database for the permissible calling party parameters associated with the

calling party and determine whether at least one called party parameter (column 7, line 68 "a * code") is a permissible calling party parameter and configured to determine whether the calling party has an active account, the screening component denying the calling party's external communication request if the active account determination returns a negative result (column 7, line 64 to column 8, line 6) [The code or the define number are compared with the numeral in the allowing table and the numerals in the denying table, if the numbers are in the denying table the call is denied].

Jang discloses an outgoing call from the subscriber but fails to disclose the communication request having at least one called party parameter and the communication request sufficient to establish communication between the calling party and the called party and whether at least one called party parameter is a permissible calling party parameter and configured to determine whether the calling party has an active account.

However, Hou teaches the communication request having at least one called party parameter and the communication request sufficient to establish communication between the calling party and the called party and whether at least one called party parameter is a permissible calling party parameter and configured to determine whether the calling party has an active account (column 11, lines 31-68) [The caller dials a telephone number for the called party using the station set keypad to enter the dialed number and the program verifies the identity of the caller by prompting the caller to repeat a series of random numbers].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Jang using the user identification process as taught by Reuss.

This modification of Jang enables the system to have multiple users so that the system would authenticate every user.

Regarding **claim 40**, Jang discloses a communications component, in communication with the screening with the screening component, and configured to process the communications request following determination by the screening component that the communication request contains permissible parameters (column 5, lines 22-32).

Regarding **claim 42**, Hou teaches a digital conversion component configured to receive voice samples from the current calling party and convert the voice samples to a digital format (column 5, lines 19-24).

Regarding **claim 44**, Hou teaches the digital conversion component is further configured to store the digital samples in a buffer (column 5, lines 1-4).

Regarding **claim 45**, Hou teaches the database stores the digital samples in files associated with the caller accounts (column 5, lines 1-4).

5.   **Claim 35** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hou in

view of Reuss et al. (US 5,844,978).

Regarding **claim 35**, Hou discloses a method of managing institutional telephone

activity between a calling party and a called party (column 1, lines 8-12), wherein the

method comprises the steps of:

placing a communication request to the called party from one of the calling

terminals by the calling party, wherein the placing comprises the step of entering

numeric data into one of the calling terminals (column 11, lines 40-68) [The caller enters

a telephone number for the called party using the station set keypad];

accepting the communication request (column 11, lines 53-56) [The program

proceeds to cause the associated CIU to translate the caller's speech into telephone

number];

identifying the calling party (column 11, lines 31-40) [The program verifies the

identity of the caller by prompting the caller to repeat a series of random numbers];

analyzing the communication request to determine parameters (column 11, lines

36-40) [The program collects the caller's response and proceeds to verify the identify of

the caller];

comparing the parameters with entitlements (column 11, lines 16-24) [The

program determined if the customer record associated with the account number stored

in the database]; and

conditionally establishing communication between the called party and the calling

party (column 12, lines 11-23) [The program places via the system 100 an outgoing call

to the called party and connects the calling party to the called party based on the

account number of the calling party being verified].

Hou discloses a station where the calling party is placing the call but fails to

disclose a plurality of calling terminals, a plurality of telephone lines.

However, Reuss teaches providing a plurality of calling terminals (14 on FIG. 1),

a plurality of telephone lines (column 10, lines 22-23 "multiple telephone lines"), an

administrative database (26 on FIG. 1), an administrative interface (30 on FIG. 1),

wherein the database comprises an individual account (column 10, line 32 "an access

code") for each calling party (column 10, line 32 "the user") and wherein each the

account provides individual entitlements (column 10, line 38 "the line number") to each

the calling party (column 10, lines 20-42) [The user can access multiple lines depend on

the access code particular to the user].

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to modify the invention of Hou using the multi-user telephone line

as taught by Reuss.

This modification of the invention of Hou enables the system to have multiple

users so that the system would authenticate every user.

6.   **Claims 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jang in view of Hou and in further view of Morganstein (US 5,109,405).

Regarding **claim 9**, Jang and Hou as applied to **claim 2** differs from **claim 9** in

that it fails to disclose providing the called party with an option to prohibit any future

calls from the calling party.

However, Morganstein teaches providing the called party with an option to

prohibit any future calls from the calling party (column 8, lines 33-35).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to modify the invention of Jang using the option to prohibit any

future calls from the calling party as taught by Morganstein.

This modification of the invention of Jang enables the system to have option to

prohibit calls from the calling party so that the system would control the outgoing call of

every user.

Regarding **claim 10**, Morganstein teaches providing the called party with an

option to prohibit future calls from the location of the calling party (column 8, lines 66-

67).

7.   **Claims 17-20 and 22-23** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jang in view of Hou and in further view of Howe et al. (US

5,471,519).

Regarding **claim 17**, Jang and Hou as applied to **claim 3** differs from **claim 17** in

that it fails to disclose the account contains data indicating whether to monitor the

calling party terminal.

However, Howe teaches the account contains data indicating whether to monitor

the calling party terminal (column 8, lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to modify the invention of Jang using data indicating whether to

monitor the calling party terminal as taught by Morganstein.

This modification of the invention of Jang enables the system to monitor the

calling party terminal so that the system would control the outgoing calls of every user.

Regarding **claim 18**, Howe teaches the account contains data indicating whether

to monitor the communication to predetermined telephone numbers (column 7, lines 44-

47).

Regarding **claim 19**, Howe teaches the account contains data indicating whether

to monitor the communication to the called party (column 7, lines 47-51).

Regarding **claim 20**, Howe teaches the account contains data indicating called parties to whom communications should be not recorded (column 10, lines 26-28).

Regarding **claim 22**, Howe teaches providing administrative control to initiate administrative monitoring of the communication (column 10, lines 34-38).

Regarding **claim 23**, Howe teaches providing administrative control to terminate the communication (column 12, lines 9-17).

8.   **Claims 29-30 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang in view of Hou and in further view of Matchett et al. (US 5,229,764).

Regarding **claim 29**, Jang and Hou as applied to **claim 3** differ from **claim 29** in that it fails to disclose the identifying comprises biometric voice verification.

However, Matchett teaches the identifying comprises biometric voice verification (column 6, lines 49-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Jang using biometric voice verification as taught by Morganstein.

This modification of the invention of Jang enables the system to use biometric voice verification so that the system would authenticate the user.

Regarding **claim 30**, Matchett teaches the biometric voice verification occurs continuously during the communication (column 6, lines 62-64).

Regarding **claim 43**, Matchett teaches the screening component is further configured to perform biometric voice identification on the samples generated by the digital conversion component and further configured to confirm an identity of the calling party based upon the results of the biometric voice identification (column 6, lines 49-55).

Allowable Subject Matter

9.   **Claims 4, 8, 31-34, 36-38 and 46** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10.   Applicant's arguments with respect to **claims 2-3, 6-7, 9-24, 26-30, 35 and 39-45** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
September 7, 2004

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